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NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: ~~2-22-2008~~

2-26-2008 JSH

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE
OF

KIMANI GRIFFITH, D.V.M.

TO PRACTICE VETERINARY
MEDICINE IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners ("Board") following the Board's review of a consumer complaint filed by Lakisha Smith on or about November 12, 2004, concerning the services rendered by the respondent, Kimani Griffith, D.V.M., to her eight (8) year old female Rottweiler, "Athena." Ms. Smith alleged that Dr. Griffith engaged in negligence and professional misconduct, and maintained unsanitary office conditions.

Ms. Smith presented Athena to Dr. Griffith at the Livingston Animal Hospital ("Livingston") on Monday, September 13, 2004 after noticing a lump on one of the dog's teats, a nipple of a mammary gland. The respondent performed a partial mastectomy and ovariectomy on Athena on the following day, September 14, 2004. According to the owner, once Athena was home on September 14, 2004, she was "out of it" and was not eating or drinking. Ms. Smith called Livingston and was told that the dog would likely be in that condition for a few days due to the anesthesia and medications. Ms. Smith asserts that two days later Athena suffered from continual diarrhea and was lethargic. The owner did not seek further veterinary care at that time.

On Sunday, September 19, 2004, Ms. Smith maintains that Athena was still frail and suffering from diarrhea. The owner attempted to contact Livingston and was directed to the Animal Emergency and Referral Associates ("AERA") located in Fairfield, New Jersey. Ms. Smith presented Athena to AERA where she was seen by Luciano Sturla, D.V.M.

On his physical examination on September 19th, Dr. Sturla found Athena to be lethargic and depressed with bloody diarrhea. He noted that she had undergone a "spay suture and partial mastectomy" and that he suspected the dog had a postoperative infection. He also noted that the dog had a quarter sized hole near the incision. Dr. Sturla recommended that the owner return

the dog to Livingston for exploratory surgery and lavage of the abdomen. AERA provided supportive care to Athena until her discharge at 8:30 a.m. on Monday, September 20, 2004.

On Monday, September 20, 2004, Ms. Smith presented Athena to Dr. Griffith at Livingston as directed by AERA. The respondent found the dog was extremely depressed, unable to stand and had bloody diarrhea. The owner agreed to leave Athena at Livingston in the respondent's care. Upon further examination, Dr. Griffith found the incision from the left fourth mastectomy had become infected and had dehiscd. He made a tentative diagnosis of hemorrhagic gastroenteritis and provided treatment accordingly. The respondent maintains that this determination was based on the facts that: 1) the abdominal incision appeared intact; 2) the leukogram was normal; 3) no hemoconcentration was present; and 4) the dog was not hypoglycemic.

Moreover, on September 20th, Dr. Griffith flushed the incision, applied a pennrose drain and stapled the incision closed. Fluids and antibiotics were also administered to Athena. However, Athena's condition did not appear to improve. At approximately 5:00 p.m. on Monday afternoon, Ms. Smith contacted the respondent and he advised her that the medical care Athena needed was beyond the scope of his practice and recommended that she take the dog back to AERA for emergency care. After discussing Athena's

condition with the owner, Dr. Griffith transported the dog to AERA himself as the owner was unable to do so timely.

Once at AERA, a diagnosis of peritonitis was made and the owner was advised that Athena needed to undergo an exploratory laparotomy. The owner and AERA veterinarians agreed to continue aggressive supportive care until the morning when Athena could be evaluated by the Internal Medicine Specialist for possible exploratory surgery. Unfortunately, Athena passed away on the morning of September 21, 2004.

In correspondence to the Board concerning this matter, Dr. Griffith maintained that he had provided prudent care at every step of Athena's care and management of her case. He asserted that postoperative complications of infection, both of surgical incisions and peritonitis, resulted in the dog's death. Moreover, Dr. Griffith maintained that he did not initially diagnose the dog with peritonitis and, hence, did not perform the laparotomy because

. . . 1. The abdominal incision appeared to be intact; 2. The leukogram was normal; 3. There was no hemoconcentration; 4. She was not hypoglycemic.

Finally, the respondent denied that he had engaged in any form of negligence or misconduct in this matter.

The Board, following its review of the patient records, and other relevant documents in this matter, has concluded that Dr. Griffith engaged in gross negligence which damaged the life, health, welfare and safety of Athena, in violation of N.J.S.A.

45:1-21(c), in that he: 1) failed to properly diagnose the dog with the postoperative complication of peritonitis; and 2) delayed appropriate treatment once the dog's condition did not improve. Although Dr. Griffith was diligent in his treatment of Athena, a referral to the emergency facility was warranted much earlier in his care of the dog. The Board concludes that these facts as detailed above establish a basis for disciplinary action.

It appearing that the respondent desires to resolve this matter without further proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusions of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 21st DAY OF

FEBRUARY 2008, ORDERED that:

1. The respondent, Kimani Griffith, D.V.M., shall take and successfully complete a minimum of twenty (20) hours of Board approved courses of continuing education in the area of General Surgery. All continuing education courses taken by the respondent to fulfill this requirement shall be RACE approved and have no affiliation with or be sponsored by the Livingston Animal Hospital. Additionally, ten (10) continuing education credits completed in compliance with this Consent Order may be used to satisfy the

minimum continuing education requirements for a subsequent biennial renewal period.

2. Respondent shall provide restitution to consumer Lakisha Smith in the amount of \$968.50. The restitution to Ms. Smith shall be paid by certified check or money order and proof of said restitution shall be submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, Post Office Box 45020, Newark, New Jersey 07101 and payment shall be made contemporaneously with the signing of this Order.

3. Dr. Griffith is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the aggregate amount of \$1,500.00 for engaging in gross negligence in violation of N.J.S.A. 45:1-21(c). Payment for the civil penalty shall be submitted be made contemporaneously with the signing of this Order, by certified check or money order, made payable to the State Board of Veterinary Medical Examiners and shall be forwarded to Leslie Aronson, Executive Director, Board of Veterinary Medical Examiners, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties subject to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty, totaling \$1,500.00 in equal installments payments of \$125.00 for a total twelve (12) months. The first payment shall be

due on the fifteenth of each month beginning March 15, 2008 and every month thereafter until the total amount is paid in full.

Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Board.

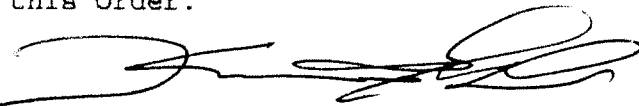
4. Failure to comply with any of the provisions of this Consent Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: _____

Mark W. Logan
MARK W. LOGAN, V.M.D.
President

I have read and understand
the within Consent Order
and agree to be bound by its
terms. Consent is hereby
given to the Board to enter
this Order.



KIMANI GRIFFITH, D.V.M.

DATE: 02/08/08

Consent as to form and entry.



DEBORAH A. CMIELEWSKI, ESQUIRE
WolfBlock Brach Eichler

DATED: 2-11-08